

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,  
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,  
OPENAI OPKO LLC, OPENAI GLOBAL LLC, OAI  
CORPORATION, LLC, OPENAI HOLDINGS, LLC,  
Defendants.

Case No. 1:23-cv-11195 (SHS) (OTW)

**DECLARATION OF ELANA NIGHTINGALE DAWSON IN SUPPORT OF REPLY IN  
SUPPORT OF OBJECTION TO DISCOVERY ORDER AT ECF 344**

I, Elana Nightingale Dawson, declare as follows:

1. I am a partner at Latham & Watkins LLP, and counsel for Defendants OpenAI, Inc., OpenAI LP, OpenAI, LLC, OpenAI GP, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, OpenAI Startup Fund I LP, OpenAI Startup Fund GP I LLC, and OpenAI Startup Fund Management LLC in this matter. I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could and would competently testify as to these facts under oath.

2. I submit this Declaration in Support of OpenAI's Reply in Support of Objection to Discovery Order at ECF 344.

3. Attached hereto as **Exhibit A** is a true and correct copy of a subpoena The New York Times informed OpenAI that it was serving on Google LLC on January 6, 2025, in the above-captioned action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of January, 2025, in New York, NY

By: /s/ Elana Nightingale Dawson  
Elana Nightingale Dawson